

1 THE HONORABLE JOHN H. CHUN
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

8 AGATA DROZDZ, an individual and TEAKRE
9 VEST, an individual

10 Plaintiffs,

11 v.

12 USAA GENERAL INDEMNITY COMPANY,
13 UNITED SERVICES AUTOMOBILE
ASSOCIATION and USAA CASUALTY
INSURANCE COMPANY,

14 Defendants.

15 Case No. 2:20-cv-01010-JHC

16 **CLASS ACTION**

17 **STIPULATED MOTION AND ORDER
EXTENDING CASE SCHEDULE
DEADLINES**

18 **NOTED FOR CONSIDERATION:
APRIL 21, 2022**

19 Plaintiffs Agata Drozdz and Teakre Vest and Defendants USAA General Indemnity

20 Company, United Services Automobile Association and USAA Casualty Insurance Company
21 jointly move this Court to amend the briefing and class expert discovery schedule on Plaintiffs'
22 motion for class certification.

23 **I. STIPULATION**

24 Pursuant to LCR 7(d)(1), LCR 10(g), and LCR 16(b)(6), the parties respectfully submit this
25 stipulated motion to extend the briefing and class expert discovery schedule on class
26 certification. In support of the motion, the parties state as follows:

27 1. Plaintiffs filed this proposed class action in King County Superior Court on March
5, 2020. See Dkt. No. 1-2. Defendants removed the case to this Court on June 29, 2020. See Dkt.
No. 1.

STIPULATED MOTION AND ORDER
EXTENDING CASE SCHEDULE - 1 Case
No. 2:20-cv-01010-JHC

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1 2. On November 10, 2021, the parties submitted a stipulated motion and proposed
 2 order asking the Court to set a briefing schedule on class certification and to continue all other
 3 case deadlines until after the Court rules on class certification. Dkt. No. 37. The Court granted
 4 that motion and set the briefing schedule proposed by the parties. Dkt. No. 38.

5 3. On February 16, 2022, the parties submitted a second stipulated motion and
 6 proposed order asking the Court to extend the briefing deadlines for class certification by
 7 approximately two months, due primarily to unanticipated delays in the production of critical
 8 data and documents. Dkt. No. 39. The parties worked cooperatively throughout the delay and
 9 were able to resolve other discovery issues while waiting for the data production. *Id.* The Court
 10 granted the motion, resulting in the current schedule for class certification briefing. Dkt. No. 40.
 11 Under the current schedule, Plaintiffs' motion for class certification is due on May 6, 2022. *Id.*

12 4. Following completion of the data production, the parties scheduled Rule 30(b)(6)
 13 depositions of both Defendants and a third party. Those depositions were scheduled to occur in
 14 early April 2022.

15 5. On March 30, 2022, counsel for Defendants informed Plaintiffs' counsel that in
 16 preparing Defendants' designee for the 30(b)(6) deposition, counsel learned of additional
 17 relevant documents and information that were both responsive to Plaintiffs' discovery requests
 18 and within the scope of documents Defendants had agreed and intended to produce, but that
 19 had not previously been identified.

20 6. Counsel for Defendants has been working to understand the scope of such
 21 additional documents and to come up with a timeline for their production. However,
 22 Defendants' counsel has not yet been able to provide Plaintiffs' counsel with an estimate of the
 23 volume and timing of production of these documents.

24 7. As a result, the parties agreed to continue the depositions scheduled for early
 25 April to allow production of the additional documents before the depositions of Defendants
 26 and the third party. Those depositions have not yet been rescheduled due to uncertainty
 27 regarding the volume and timing of the additional document production.

1 8. The parties agree that it is important for Plaintiffs to have all the additional
 2 documents that are responsive and that Defendants have agreed to produce before taking
 3 depositions and that the depositions need to happen before Plaintiffs move for class
 4 certification.

5 9. Given the uncertainties surrounding how quickly the parties can accomplish
 6 these necessary tasks, the parties jointly request the Court set a new deadline for Plaintiffs to
 7 file for class certification no later than September 9, 2022.

8 10. If the discovery issues are resolved sooner than anticipated and the depositions
 9 proceed in May or June 2022, Plaintiffs anticipate moving for class certification before
 10 September 9, 2022. Therefore, the parties request that the Court vacate the current class
 11 certification briefing and class expert discovery schedule and set a deadline for Plaintiffs to file
 12 for class certification of September 9, 2022. Within one week of Plaintiffs filing for class
 13 certification, the parties will submit a proposed schedule for class expert discovery (if any) and
 14 the remainder of class certification briefing.

EVENT	CURRENT DEADLINE	PROPOSED DEADLINE
Plaintiffs' Motion for Class Certification and any supporting expert reports	5/6/2022	9/9/2022
Deadline for completion of expert discovery relating to class certification issues – Plaintiffs' expert(s)	6/17/2022	Parties to submit joint proposed schedule within 1 week of filing of motion for class certification
Defendants' Response to Plaintiffs' Motion for Class Certification and any supporting expert reports	7/22/2022	Parties to submit joint proposed schedule within 1 week of filing of motion for class certification
Deadline for completion of expert discovery relating to class certification issues – Defendants' expert(s)	9/2/2022	Parties to submit joint proposed schedule within 1 week of filing of motion for class certification

1 Plaintiffs' Reply in Support of Motion for Class Certification	2 9/23/2022	3 Parties to submit joint proposed schedule within 4 1 week of filing of motion for class certification
Joint Proposed Case Schedule Setting remaining case deadlines and Trial Date	Within 2 weeks of ruling on class certification	Within 2 weeks of ruling on class certification

6 STIPULATED TO AND DATED this 21st day of April, 2022.

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21 Attorneys for Defendants

1 **II. ORDER**
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IT IS SO ORDERED.

DATED this 21st day of April, 2022.

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5 THE HONORABLE JOHN H. CHUN
6 United States District Judge
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